

1 Q Okay. So what appears to have happened is that
2 somebody -- one possibility, mind you, is that somebody has
3 selectively identified Capitol RCC pages to chain over to
4 152.48 but since they haven't picked every single one of them,
5 there's a whole bunch of legitimate Capitol RCC pages that are
6 queued up in their terminal, their store forward device, and
7 that takes some time to queue up, and then they go out, right,
8 and then this one little chain pager appeared over on 152.48
9 and that might explain that 30 second or 1 minute delay,
10 wouldn't it?

11 A No.

12 Q Why not?

13 A Well, if the, if the transmission rate of the pagers
14 on -- from Capitol are running at, oh, I don't know, six to
15 ten pages a minute, the normal buffering scheme on the, on the
16 Commonwealth terminal dumps after 15 seconds or thereabouts
17 and if you otherwise tell it it'll just sit there and collect
18 pages as times goes on. If any of these pages that are
19 occurring on, on 152.51 occur within a 15 minute time frame
20 and they're the same type pager or the same type page code,
21 then they're going to be batched and when they come out
22 they're going to be batched and it will be evident on this
23 sheet. Now, the problem is -- that I have with this, and then
24 this is a pretty cursory examination, the problem is that very
25 few of these functions are batched. Most of them are not.

1 Therefore, I conclude that something has intervened on a real
2 time basis and has popped these things out like this. While I
3 appreciate your scenario, I'm afraid at least in my view it
4 doesn't fly.

5 Q Mr. Peters, wouldn't the delay on the other side
6 also occur because RAM is queuing up pages in its terminal and
7 so the chain -- and, you know, I'm not a technician, but the
8 chain command, that second signal that's going out to 152.48,
9 that shows up in the 152.48 report --

10 A Yeah.

11 Q -- as it comes out over the air, isn't it sort of
12 getting -- waiting in line behind other RAM transmissions or
13 any other co-licensee transmissions on 152.48?

14 A Yeah. That's --

15 Q Now, that's what Ray Bobbitt testified last week.

16 A That's exactly what I just said.

17 Q Okay.

18 A It's held in the terminal and -- either for batching
19 or for channel busy. The point is that as the pages come in
20 they're being collected, okay, and at some point in this, in
21 this transmission they're going to be dumped. As soon as that
22 terminal can capture the channel and grab the channel it's
23 going to dump all the pages that it can and it will just
24 continue to do that, so the greater the delays that you have
25 in there -- I mean, the greater the number of pages that come

1 in there, the better chance that you're going to have of
2 batching these pages and I don't see much evidence of that.

3 JUDGE CHACHKIN: You have about two minutes and then
4 I'm closing this session. We've gone over this long enough.

5 MR. JOYCE: I know that, Your Honor.

6 JUDGE CHACHKIN: If you want to put on your own
7 expert, put him on, but we've had this witness' testimony.

8 BY MR. JOYCE:

9 Q Networking. Mr. Hardman asked you about networking
10 152.48 versus 157.74? Correct?

11 A Yes.

12 Q And you said -- I believe you said there would be
13 more networking possibilities with more licensees on 152.48?
14 Correct?

15 A That's my opinion, yes.

16 Q All right. But as a matter of fact the networking
17 of a system really isn't driven by how many licensees there
18 are on that frequency, right, Mr. Peters?

19 A You're asking me if the -- if networking is driven
20 by the number of licensees?

21 Q Correct.

22 A I don't know the answer to that question.

23 Q There's no -- my point is that it's equally likely
24 that it would be more difficult to network on 152.48 because
25 you have so many different RF systems on that frequency and

1 you've got to get all those people to tie their terminals
2 together, to coordinate their bay stations, so there's --
3 really it's not fair to say or accurate to say that there's a
4 direct correlation between ease of networking and number of
5 licensees on a frequency, right?

6 A I don't know that the two of those follow, but --
7 no, I don't agree with that.

8 Q You must as an engineer, Mr. Peters, agree with the
9 possibility that it would be more difficult with -- for
10 instance, like a hospital on 152.48 that has no interest in
11 networking and a bunch of other individual licensees that just
12 have one transmitter. You must agree that it could actually
13 be more difficult to network on that frequency with all of
14 those licensees who have their own unique interests and their
15 own different regular frequencies set up. That -- you have to
16 agree that that's true.

17 A No, no, sir, I don't because you're talking about
18 networking and, and I think you're describing channel sharing
19 --

20 Q No.

21 A -- and to me there's a distinction. This is a, this
22 is a given. What you just described is a given in channel
23 sharing and it can happen to everybody on the channel.
24 Networking is a totally different thing. It's how you deliver
25 paging data into the, into the atmosphere, two pagers, in my

1 view.

2 Q But that page won't go out if you have RF systems
3 that are causing pages to --

4 JUDGE CHACHKIN: Look, this is just argument.

5 MR. JOYCE: All right.

6 JUDGE CHACHKIN: You could --

7 BY MR. JOYCE:

8 Q My last question, Mr. Peters. On the tone sequence,
9 you said that the tone sequence testing was compatible, as I
10 recall, with Rusty Harrison's testimony about group call
11 paging. Is that fair to say?

12 A I said that there was no conflict between the tone
13 sequencing and Rusty Harrison's descriptions.

14 Q Okay. But do you remember Mr. Capehart said that he
15 heard that as early as July of 1991? Do you remember that?

16 A Heard what?

17 Q That repeated series of tones.

18 A I -- and I don't remember that and I -- but I
19 couldn't verify the date either, if that's what you're asking.

20 Q I know, but he testified that that's when they
21 contacted the Commission. It was in July of -- that's what
22 started this whole FCC investigation. Do you remember that?

23 A Yes --

24 Q Okay.

25 A -- vaguely.

1 Q And Mr. Harrison said that there was only one time
2 when they left that test feature on overnight, did he not?

3 A As I recall that, yes.

4 Q Okay. So that is not consistent, his testimony,
5 with the other testimony that you've heard that this tone
6 sequence went on throughout July and August of 1991?

7 A Sir, I didn't testify as to what -- I didn't testify
8 as to, as to whether or not something occurred in time. I
9 said is the possibility of -- or is the description of the
10 tones different or consistent with what the two people had
11 identified as tests and I said, you know, they are certainly
12 consistent.

13 MR. JOYCE: I have no further questions.

14 JUDGE CHACHKIN: All right.

15 MS. FOELAK: Would Your Honor permit me to ask one
16 question?

17 JUDGE CHACHKIN: Go ahead.

18 RECROSS-EXAMINATION

19 BY MS. FOELAK:

20 Q You testified in reference to the PC setup,
21 speculation that RAM could very well have done it. Equally
22 well could Capitol have done it? There's a possibility?

23 A Certainly. Anybody could have done it.

24 Q Thank you.

25 JUDGE CHACHKIN: You're excused, Mr. Peters.

1 MR. PETERS: Thank you, sir. And, ladies and
2 gentlemen, let me thank you for your indulgence here. I
3 certainly appreciate your effort.

4 (Whereupon, the witness was excused and the hearing
5 was recessed at 5:15 p.m. to reconvene on February 9, 1994.)
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IN THE MATTER OF CHARLESTON, WEST VIRGINIA

Name

PR DOCKET NO. 93-231

Docket No.

WASHINGTON, D.C.

Place

FEBRUARY 8, 1994

Date

We, the undersigned, do hereby certify that the foregoing pages, numbers 1037 through 1292, inclusive, are the true, accurate and complete transcript prepared from the reporting by MARYKAE FLEISHMAN in attendance at the above identified proceeding, in accordance with applicable provisions of the current Federal Communications Commission's professional verbatim reporting and transcription Statement of Work and have verified the accuracy of the transcript by (1) comparing the typewritten transcript against the reporting or recording accomplished at the proceeding and (2) comparing the final proofed typewritten transcript against the reporting or recording accomplished at the proceeding.

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